

AN ACT

ENTITLED, An Act to provide for interstate contracts for the treatment of individuals with mental illness or chemical dependency and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Terms in this Act mean:

- (1) "Bordering state," Iowa, Minnesota, Montana, Nebraska, North Dakota, or Wyoming;
- (2) "Treatment facility," an accredited prevention or treatment facility as defined in § 34-20A-2 or an inpatient psychiatric facility as defined in § 27A-1-1.

Section 2. A bordering state or governmental entity of a bordering state may contract with any appropriate treatment facility in South Dakota for the treatment of mental illness or chemical dependency for residents of the bordering state. However, any such contract shall conform to the requirements of this Act.

Section 3. No contract may be entered into under this Act for treatment to any person who:

- (1) Is serving a sentence after conviction of a criminal offense;
- (2) Is on probation or parole; or
- (3) Is the subject of a presentence investigation.

Section 4. Any contract entered into under this Act between a bordering state or governmental entity of a bordering state and a South Dakota treatment facility shall, at a minimum:

- (1) Describe the services to be provided;
- (2) Establish responsibility for the costs of services;
- (3) Establish responsibility for the costs of transporting individuals receiving services under this Act;
- (4) Establish responsibility for the transportation of individuals under this Act;
- (5) Specify the duration of the contract;

- (6) Specify the means of terminating the contract;
- (7) Specify the terms and conditions for refusal to admit or retain an individual; and
- (8) Identify the goals to be accomplished by the placement of an individual under this Act.

Section 5. Any treatment facility in South Dakota may enter negotiations with appropriate personnel of a bordering state to develop a contract that conforms to the requirements of this Act. A contract with a bordering state shall enable the temporary placement in South Dakota by a bordering state of a person who is on an emergency hold or who has been involuntarily committed as mentally ill or chemically dependent as determined by the bordering state. Any person committed by a bordering state or on emergency hold from a bordering state and who is placed in a South Dakota facility continues to be in the legal custody of the bordering state and shall be returned to the bordering state prior to release from emergency hold or involuntary commitment. The bordering state's laws governing commitment criteria, length of commitment, hearings, reexaminations, and extension of commitment continue to apply to these bordering state residents. The State of South Dakota is not responsible for treatment costs, legal proceeding costs, or transportation costs. In all other aspects, a resident of a bordering state placed in a South Dakota facility is subject to the laws of South Dakota. A contract under this Act with a bordering state or bordering state governmental entity shall specify that responsibility for payment for the cost of care and transportation for persons under this Act remains with the contracting entity of the bordering state of which that person is a resident.

Section 6. No person placed in South Dakota from a bordering state under this Act may be placed or transferred to the South Dakota Human Services Center.

Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to provide for interstate contracts for the treatment of individuals with mental illness or chemical dependency and to declare an emergency.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1228

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1228
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State